

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

In re:

BILLY STEPHEN HODSDEN, and	)	Case No. 12-32629
ROBBIE ABIGAIL HODSDEN,	)	Chapter 7
	)	
Debtors.	)	

MOTION TO SELL REAL PROPERTY FREE AND CLEAR OF LIENS  
AND NOTICE OF SALE

NOTICE OF HEARING

Notice is hereby given that:

A hearing will be held February 13, 2014, at 9:00 a.m. in Courtroom 1-C, at 800 Market Street, Knoxville, TN 37902, on the Motion to Sell Real Property Free and Clear of Liens:

**If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.**

Comes the Trustee, F. Scott Milligan, through counsel, pursuant to 11 U.S.C. §363 and Federal Rules of Bankruptcy Procedure 2002 and 6004, and moves the Court for an Order authorizing the Trustee to sell the debtor's real property free and clear of liens, with said liens attaching to the proceeds of sale. In support of his Motion, the Trustee would show unto the Court as follows:

1. The debtors, Billy Stephen Hodsden and Robbie Abigail Hodsden, filed a voluntary Chapter 13 case on June 28, 2012. The case was converted to one under Chapter 7, and F. Scott Milligan was appointed Chapter 7 Trustee and currently serves in that capacity.

2. The debtors own a house and lot located 5306 Chapman Highway, Knoxville, TN 37920. The debtors listed said property with a value of \$84,200.00 in Schedule A. The property is also encumbered with a first mortgage in the approximate amount of \$30,000.00. The debtors also claim a homestead exemption in the amount of \$20,000.00.

3. The Trustee has worked with a real estate agent to inspect and list the

property. The property, due to its location and condition, is worth substantially less than the value originally given by the debtors. The Trustee has received an offer to purchase said property for the amount of \$46,000.00 from Michael O'Brien, an unrelated third party. The Trustee believes this is a fair and reasonable offer under the circumstances and has agreed to accept the offer with the cooperation and consent of the debtors.

4. The property is encumbered with a first mortgage of Ocwen Loan Servicing, LLC/Wells Fargo Bank, NA in the approximate amount of \$30,000.00 (subject to verification). The mortgage will be paid from proceeds at closing. Real property taxes for 2012 and 2013 due and owing in the approximate amount of \$2,150.00 and will be paid from proceeds at closing.

5. The Trustee has obtained the services of a realtor to achieve this sale. Shawn Smith d/b/a Southeast Property Solutions was employed by the Trustee. Said realtors are entitled to receive a 6% (\$2,760.00) commission. Said commission shall be paid from proceeds at closing.

6. The debtors and the Trustee have agreed that the remaining net proceeds will be split one-half to the debtors in satisfaction of their homestead exemption and one-half to the bankruptcy estate. It is anticipated that the bankruptcy estate will realize approximately \$5,000.00 as a result of this sale.

7. The property is being sold "AS IS, WHERE IS, WITH ALL FAULTS and WITHOUT ANY WARRANTIES OF ANY KIND."

8. The Trustee requests that the 14 day stay period of Federal Rule of Bankruptcy Procedure 6004(h) be waived for cause as the purchasers seek to close the real estate transaction upon entry of the Order approving said sale by the Court.

WHEREFORE, the Trustee respectfully requests that the Court grant his Motion and approve the sale set forth herein.

Respectfully, submitted this 31<sup>st</sup> day of January, 2014.

/s/ F. Scott Milligan  
F. Scott Milligan, BPR. No. 13886  
LITTLE & MILLIGAN, P.L.L.C.  
900 E. Hill Avenue, Suite 130  
Knoxville, TN 37915  
865-522-3311  
Attorney for F. Scott Milligan, Trustee

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2014, a true and correct copy of the foregoing Motion has been served upon the following by electronic mail (ECF).

Beth Roberts Derrick, Beth.r.derrick@usdoj.gov  
Brent T. Strunk, Attorney for Debtor  
C. Brent Wardrop, Attorney for Ocwen Loan Servicing

The following have been upon the persons listed below by placing a copy thereof, first class postage prepaid, hand delivery, or facsimile.

(Billy & Robbie Hodsden mailing matrix attached.)

Billy & Robbie Hodsden  
5306 Chapman Highway  
Knoxville, TN 37920

/s/ F. Scott Milligan  
F. Scott Milligan